REMARKS

Claims 16-36 were rejected as unpatentable over MCMILLAN 5,826,267 in view of FARRIS 5,805,997 and Official Notice. Reconsideration and withdrawal of the rejection are respectfully requested.

Claims 16-23 define a common carrier, method and computer readable medium, where the common carrier connects a portable terminal to an information server. Second identification information identifies an entity, is obtained from a communication between the portable terminal and one of the information servers, and is compared to stored first identification information about information providers that operate the information servers. A fee for the communication between the portable terminal and one of the information servers is charged to the information provider whose stored first identification information matches the second identification information, and the fee is charged to the portable terminal when the second identification information does not match any of the stored first identification information.

MCMILLAN discloses a public kiosk that provides access to the internet. The kiosk screens requested URLs and limits displayed URLs to those that are registered. Unregistered URLs are not displayed. The Official Action acknowledges that MCMILLAN does not disclose the accounting processor claimed but submits that charging advertisers for ads on the internet is

common practice. However, it is noted that these claims also provide that the fee for the communication is charged to the portable terminal when the second and first information do not match. MCMILLAN does not disclose charging a portable terminal for a communication in any instance. Indeed, since the kiosk permits only registered URLs to be displayed, MCMILLAN does not even contemplate a situation when an advertiser would not be charged. Accordingly, there is no motivation in the references to modify MCMILLAN to include the feature where the portable terminal is charged for a communication. Indeed, there is no portable terminal in MCMILLAN that could be charged since the kiosk is at the end of the communication chain.

Further, MCMILLAN does not indicate how the advertisers are to be charged. The Official Action notes that it is common to charge advertisers, but does not address the specific limitation in these claims wherein the accounting processor charges either the server or the portable terminal for the communication, depending on whether the identifiers match. There is no indication in the references that the charge is on a communication-by-communication basis. For example, the advertiser can be charged on a monthly basis regardless of the number of communications. In this instance, the communications would not even have to be screened for charges. There is nothing in the references to motivate the artisan to search the communication to allocate a fee for the communication.

The Official Action also alleges that one of skill in the art would add the protocol converter from FARRIS to the system in MCMILLAN. However, the system in MCMILLAN is an end unit that is a public access kiosk. There is no need for a protocol converter that converts between two protocols. The kiosk needs only one converter because it stands at the end of the communication chain. There is no portable terminal connected to the kiosk and thus there is no need for a claimed protocol converter that converts between the first and second protocols. The Official Action notes that the artisan would modify MCMILLAN to include the converter from FARRIS to make the signal from the client computer suitable for normal use. However, the kiosk in MCMILLAN is already suitable for normal use. There is no need to add anything to the kiosk to make it operable. Just because the references can be combined does not mean that it would be obvious to one of skill in the art to do so.

Claim 18 further specifies that the first protocol is a wireless application protocol and the second protocol is an internet protocol. There is no provision in the combination, especially in view of the nature of the kiosk in MCMILLAN, for the conversion between these two protocols. Just because conversion between these protocols is generally known does not mean that there is motivation to use the claimed protocol converter within the context of the present invention.

Accordingly, claim 18 is further distinguishable from the applied combination.

Claims 24-31 are also distinguishable from the applied combination. These claims differ from claims 16-23 in that the payer processor inserts accounting information into the communication and the accounting processor uses the accounting information to charge the fee. This difference does not change the analysis above. Further, the combination does not disclose or suggest inserting accounting information into the communication. As noted above, the references do not suggest monitoring the communications to allocate charges and thus there is nothing to motivate the artisan to include the accounting information in the communication.

Claims 32-36 are also distinguishable from the applied combination. These claims differ from claims 24-31 in that the accounting information is already in the communication. This difference does not change the analysis above. Further, the combination does not disclose or suggest providing a communication with the accounting information already in the communication. As noted above, the references do not suggest monitoring the communications to allocate charges and thus there is nothing to motivate the artisan to include the accounting information in the communication.
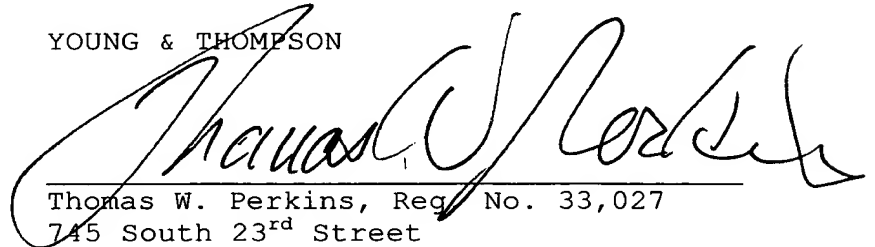
In view of the present amendment and the foregoing remarks, it is believed that the present application has been

placed in condition for allowance. Reconsideration and allowance are respectfully requested.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

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